

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DIANE GRASSA,

Plaintiff

-against-

GC SERVICES, LP,

Defendant.

SUMMONS FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ APR 15 2013 ★
BROOKLYN OFFICE
2287

COMPLAINT

WALL, M.J.

NOW COMES Plaintiff, Diane Grassa ("Plaintiff"), by and through her attorneys, Krohn & Moss, Ltd., for her Complaint against Defendant, GC Services, LP ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

Parties

2. Plaintiff is a natural person residing in Lindenhurst, Suffolk County, New York.
3. Plaintiff is obligated or allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).
4. Defendant is a business entity with an office located in Houston, Texas.
5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.
6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Defendant conducts business in the State of New York establishing personal jurisdiction.

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

Factual Allegations

10. Defendant contacts Plaintiff attempting to collect an alleged debt on behalf of American Express.

11. Plaintiff’s alleged debt arises from transactions for personal, family and household purposes.

12. Defendant places collection calls to Plaintiff at her residence, 631-226-93XX.

13. In or around March of 2013, Defendant placed a collection call to Plaintiff and left a pre-recorded voice message. *See* transcribed message as Exhibit A hereto.

14. In the voicemail message, Defendant’s representative, “Mrs. Murphy,” failed to disclose the name of the company placing the call, failed to state that call was being placed by a debt collector, and failed to state that the call was being placed in an attempt to collect an alleged debt. *See* Transcribed voicemail message attached hereto as Exhibit A.

15. Defendant directed Plaintiff to call to return the call to telephone number (877) 710-8001, extension 3082, which is a telephone number that belongs to Defendant. *See* Exhibit A.

16. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

CLAIM FOR RELIEF

17. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress or abuse Plaintiff in connection with the collection of a debt;
- b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity.
- c. Defendant violated §1692e of the FDCPA by using false, deceptive or misleading representation with the collection of the debt.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means to attempt to collect the debt; and
- e. Defendant violated §1692e(11) of the FDCPA by failing to disclose in its messages that it is a debt collector.

18. Plaintiff is entitled to her attorney's fees and costs incurred in this action.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: March 28, 2013

KROHN & MOSS, LTD.

By: 

Adam T. Hill

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